



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/22/3047**

**Re: Property at 111 Craighton Road, Glasgow, G51 3RQ (“the Property”)**

**Parties:**

**Mr Dalsit Singh Sanher, 15 Careston Place, Bishopbriggs, Glasgow, G64 1XL (“the Applicant”)**

**Miss Kayleigh Bradley, 111 Craighton Road, Glasgow, G51 3RQ (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member) and Leslie Forrest (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for the eviction of the Respondent from the property.**

**Background**

1. By application dated 24 August 2022 the Applicant’s representatives Letsbwise Glasgow Limited applied to the Tribunal for an order under ground 3 of Schedule 3 of the Private (Housing Tenancies) (Scotland) Act 2016 for the eviction of the Respondent from the property. The Applicant’s representatives submitted a copy of the tenancy agreement, Notice to Leave with Sheriff Officers Certificate of Service, contractor’s report and Section 11 Notice with proof of intimation.
2. By Notice of Acceptance dated 8 November 2022 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 30 November 2022.

### **The Case Management Discussion**

4. A CMD was held by teleconference on 8 February 2023. The Applicant did not attend but was represented by Mr Ullah from the Applicant's representatives. The Respondent did not attend nor was she represented. The Tribunal being satisfied that proper intimation of the proceedings had been given to the Respondent determined to proceed in her absence.
5. Mr Ullah advised the Tribunal that he had been told by neighbours that the Respondent had removed from the property. He said that he did not know when she had moved. He had been told that the front door had been left open and a lot of rubbish left outside the property. He said that when someone from his firm had attended the door had been shut and no one had answered. Mr Ullah went on to say that the Respondent's housing benefit payments had been stopped for December and January and he had been told by the Respondent's housing officer who he thought was David Cardean that she had been rehoused by the council.
6. Mr Ullah confirmed that a Notice to Leave had been served on the Respondent by Sheriff Officers after it had been discovered following an inspection by a structural engineer that there was subsidence and major repairs to the property were necessary. Mr Ullah referred the Tribunal to the report by the contractor Wm Montgomery & Sons Ltd submitted with the application confirming the extent of the issues with the property. He explained that the property was not habitable and that it was the Applicants intention once he obtained possession to have the work carried out immediately. Mr Ullah confirmed it could not be re-let until the works had been completed as it was unsafe.

### **Findings in Fact**

7. The parties entered into a Private Residential Tenancy that commenced on 15 June 2020.
8. There are structural issues with the property that require major refurbishment works.
9. The Respondent would be unable to remain in the property while these works were being undertaken.
10. A valid notice to Leave was served on the Respondent by Sheriff Officers on 17 February 2022 giving the Respondent six months' notice of raising these proceedings.
11. Intimation of these proceedings was sent to Glasgow City Council by a Section 11 Notice on 24 August 2022.

12. It is likely that the Respondent has moved out of the property and has been rehoused.

### **Reasons for Decision**

13. The Tribunal was satisfied from the written representations and documents produced together with the oral submissions from Mr Ullah that there were significant structural issues with the property that rendered the property in need of major refurbishment that could not be undertaken while the Respondent remained in the property.
14. The Tribunal was also satisfied that the Respondent had been properly served with a valid Notice to Leave and that the correct period of notice had been given. The Tribunal was satisfied that the local authority had been given notice of the proceedings by intimation of a Section 11 Notice.
15. The Tribunal required to be satisfied that it would be reasonable in the circumstances to grant the order. The Tribunal took account of the fact that the Respondent had not submitted any written representations opposing the order sought nor had she attended the CMD and it appeared likely from the oral submissions of Mr Ullah that she had been rehoused and was no longer residing in the property. Given that it appeared that it was not safe for the Respondent to live in the property the Tribunal was in no doubt that it was reasonable for the order to be granted.

### **Decision**

16. The Tribunal having carefully considered the written and oral submissions and documents and being satisfied it has sufficient information before it to make a decision without the need for a hearing finds the Applicant entitled to an order for the eviction of the Respondent from the property under ground 3 of Schedule 3 of the 2016 Act.

### **Right of Appeal**

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.**

**Graham Harding**  
**Legal Member/Chair**

**8 February 2023**  
**Date**